

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

Plaintiff,

JOHN BALDWIN, LEONARD BELL,  
JOHANNES KAINDOH, WAYNE  
HENDERSON, GODWIN ENAGBARE and  
JOE L. WILLIS

Intervenor-Plaintiffs

Civil Action No. 04-12097-GAO

v.

WASHINGTON GROUP INTERNATIONAL,  
INC., RON BENNETT, MICHAEL FOGARTY,  
and DENNIS WOODRUFF,  
Defendants.

**MOTION TO WITHDRAW AS COUNSEL FOR DEFENDANT MICHAEL FOGARTY**

Stephen T. Paterniti, Esq. and Andrew C. Pickett, Esq., file this motion to withdraw as counsel for Defendant Micheal Fogarty in the above-captioned action. As grounds therefore, Mr. Paterniti and Mr. Pickett state that after consultation regarding a potential conflict of interest in joint representation of Defendant Washington Group International, Inc. and Mr. Fogarty, he has chosen to be represented by other counsel, Lisa Damon and Jennifer Serafyn of Seyfarth Shaw. Ms. Damon and Ms. Serafyn have filed a notice of appearance on Mr. Fogarty's behalf.

Respectfully submitted,

/s/ Stephen T. Paterniti

Stephen T. Paterniti, BBO #564860

Andrew C. Pickett, BBO #549872

Jackson Lewis LLP

75 Park Plaza

Boston, MA 02116

(617) 367-0025

Dated: February 1, 2007